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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/509,131	04/03/2000	JOHANNES SCHRAMMEL	PHO-98633	1166

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

FLETCHER, JAMES A

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 01/30/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/509,131

Applicant(s)

SCHRAMMEL, JOHANNES

Examiner

James A. Fletcher

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3 April 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1 . 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: As noted on page 6, line 5, "broadcasts S" are not shown in the drawings. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Figure 1 is objected to because it fails to show labels for important features of the invention. In particular, items 4, 9, 16, 19, 21, 24, 26, and 28-33 require labels for adequate comprehension of the functions of those elements.

Figure 1 is also objected to because the designation SKI indicates two distinct and separate signal paths. Further, the specification refers to SKI as being "broadcasting station identifier information," which is inconsistent with the signal flow diagram of Figure 1.

Figure 2 is objected to because it fails to show important features of the invention. In particular, the drawing features are shown in a language other than English.

The objection to the drawings will not be held in abeyance.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "starting time information (BZI) in a sub-code in accordance to the DVHS standard on a magnetic

tape" of claim 5 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. The examiner wishes to point out that the signal is illustrated as sharing a signal path with ADI and SKI, apparently going to the control head of the tape player in Fig. 1, which is in apparent conflict with the claim's language of locating the signal on the tape.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 1 reads as though the invention were positioning the heads of the video cassette player at a particular location on the tape, when in fact the heads are conventional. The examiner believes the invention relates to a tape player that is capable of causing the tape to be fast wound to a desired location, and will be analyzed and discussed under that interpretation.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Lewis et al (4,224,644).

Regarding claim 1, Lewis et al disclose a device with playback means for reproducing a recorded signal recorded on a recording medium and starting from a recording start moment by means of at least one playback head and positioning means for positioning the medium into a desired position for reproducing a recorded signal starting from this recording medium position (Col 4, line 23 "audio/video player/recorder");

- characterized in that input means are provided for supplying a playback time information which characterizes a desired playback moment (Col 6, lines 5-8 a conventional digital memory device having a series of storage registers for storing numerical equivalents of tape position")
- the desired playback moment corresponding to the sum of a starting time information characterizing the recording start moment and a recording time duration which has already elapsed in the recoding of the recording signal in the desired recording medium position of the recording medium (Col 6, lines 11-13 "tape position numbers indicative of the start point for each selection recorded on a tape, the tape position numbers indicative of the stop point for each selection recorded on a tape") and
- in that the positioning means are designed for subtracting the starting time information from the supplied playback time information when determining the

desired recording medium position (Col 6, lines 27-29 "scan and match circuit 40...compares the output of counter 30 with the number stored in a selected register in memory").

Regarding claim 2, Lewis et al disclose a device for reproducing a recorded signal characterized in that detection means are provided for detecting a starting time information contained in a reproduced recorded signal (Col 9, lines 36-37 "it becomes desirable to record the stored tape position numbers on the tape" and Col 12, lines 56-59 "there is recorded a 100Hz tone at the start of every program selected and a 40 Hz tone at the end of every program selection").

Regarding claim 3, Lewis et al disclose a device for reproducing a recorded signal characterized in that reception means are provided for receiving a reception signal, and in that recording means are provided for recording a reception signal as a recording signal on a recording medium (Col 4, line 23 audio/video player/recorder"), and in that memory means are provided for storing a starting time information (Col 9, lines 36-37 "it becomes desirable to record the stored tape position numbers on the tape" and Col 12, lines 56-59 "there is recorded a 100Hz tone at the start of every program selected and a 40 Hz tone at the end of every program selection").

Regarding claim 8, Lewis et al disclose a device for reproducing a recorded signal (Col 4, line 23 audio/video player/recorder") characterized in that the recording means are designed for registering the recording medium start position at the beginning of the recording medium (Fig 1, item 16 "BOT [Beginning of Tape] sensor") and for

recording a recording signal from the beginning up to the end of the recording medium (Col 4, line 23 audio/video player/recorder”).

Regarding claim 9, Lewis et al disclose a device for reproducing a recorded signal characterized in that the input means are designed for deriving a desired playback moment from a numerical code information put in (Col 8, lines 5-10 “a means for searching for and playing discrete identifiable selections recorded on a length of tape and this is done upon demand by the operator through the use of a separate button or a combination of buttons for each desired program” and Col 8, lines 31-33 “a numerical equivalent of a tape position expressed in distance away from the reference point”)

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6, 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al as applied to claim 1 above, and in further view of NAVCO (1750 System Controller Product Sheet).

Regarding claims 6 and 10, Lewis et al do not suggest entering or storing recording date information which characterizes the recording date of a recorded signal.

NAVCO teaches the utilization of the user bits of SMPTE time code for storing the date information corresponding to the date the recording was made (Page 1, “Encodes time, date [VITC] and camera number on videotape”). Such utilization by

NAVCO is shown to be valuable for locating images corresponding to a selected time and date.

Therefore, it would have been obvious to one of ordinary skill in the art to modify Lewis et al to include date information if the search criteria included the date of the recording.

Regarding claim 7, the combination suggests recording source data on the tape (NAVCO, page 1, "Encodes time, date...and camera number on videotape"), but does not specifically disclose the recording of broadcasting station identifier information.

The examiner takes official notice that recording of broadcasting station identifier information is a well-known and widely used utilization of VITC user bits, and has been shown to be useful in identifying desired information regarding a recorded signal.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination to record broadcasting station identifier information as part of the non-visual data on the tape.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al as applied to claims above, and further in view of Inoue et al (4,890,168).

Regarding claim 4, Lewis et al suggest a device for reproducing a recorded signal characterized in that the recording means are designed for recording a starting time information (Col 6, lines 9-11 "memory 35 has sufficient storage capacity for storing the tape position numbers indicative of the start point for each selection recorded on a tape"), but do not specifically disclose that signal being in accordance with the VASS standard on a magnetic tape.

Inoue et al teach a device for reproducing a recorded signal characterized by recording a starting time information in accordance with the VASS standard on a magnetic tape (Col 1, lines 18-30 "The conventional VTR of a VHS [Video Home System] type includes a VTR comprising a so-called index scan function of performing pulse-width modulation of a control signal in response to an index signal indicating the starting position of each program recorded on a magnetic tape and recording the same, to search the recorded program utilizing such an index signal. As such an index scan function...a VASS [Video Address Search System] utilizing an address signal indicating an absolute address of a tape in addition to the above described index signal is generally employed").

As suggested by Lewis et al, and taught by Inoue et al, VASS is a well known, commercially available, and widely used system for locating and playing a specific segment of a recording on a video tape, and provides a recognized standard for doing so quickly and easily.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lewis et al to include VASS standard signals for locating and playing a selected segment of a recording on a video tape.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al as applied to claims above, and further in view of Kawamura et al (6,453,110).

Regarding claim 5, Lewis et al suggest a device for reproducing a recorded signal characterized in that the recording means are designed for recording a starting time information (Col 6, lines 9-11 "memory 35 has sufficient storage capacity for storing

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the tape position numbers indicative of the start point for each selection recorded on a tape”), but do not specifically disclose that information formatted in a sub-code in accordance with the DVHS standard on a magnetic tape.

Kawamura et al teach a signal reproducing system wherein the recording means are designated for recording a starting time information (Col 6, lines 52-53 “a time code command searches for a specified time code if its command type is control”) in a D-VHS recording (Col 4, lines 13-16 “a digital device is to decode signals recorded on a digital VCR (Video Cassette Recorder) such as a DV (Digital Video) and a D-VHS (Digital VHS), monitor these signals, and receive digital broadcasting”).

As suggested by Lewis et al, and taught by Kawamura et al, storing starting time information in a DVHS recording is well known, commercially available, and widely used, providing a recognized standard for locating and playing a selected segment of a recording on a video tape.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lewis et al to include recording a starting time information in accordance with a DVHS standard.

Specification

10. 35 U.S.C. 112, first paragraph, requires the specification to be written in “full, clear, concise, and exact terms.” The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: The specification makes several references

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to the act of "positioning of the magnet heads." On careful study of the specification, the examiner has come to the conclusion that the invention involves positioning of the tape, rather than the heads that read the signal on the tape, as noted on page 8, lines 27-31 which describe a means and method of moving tape, not heads.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (703) 305-3464. The examiner can normally be reached on 7:45AM - 5:45PM M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached at (703) 308-9644.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only).

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

JAF
January 26, 2004


VINCENT BOCCIO
PRIMARY EXAMINER